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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,671	08/01/2001	C. Frank Bennett	RTS-0297	7102

35807 7590 09/25/2003

FENWICK & WEST LLP  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94014

EXAMINER
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MCGARRY, SEAN

ART UNIT	PAPER NUMBER
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1635

DATE MAILED: 09/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

***Response to Amendment***

The reply filed on 7/11/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant has reintroduced subject matter that was subject to a **restriction** and an election is required. Applicant offers a condition election of a species. There is no species requirement of record. Applicant must make an election of the invention to be examined. Appli. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Claim 1 links the inventions of claim 3. New claims 22-25 link various inventions of Claim 3 and will be examined depending on the invention elected. The restriction requirement between the linked inventions is subject to the **nonallowance of the linking claim(s), claim 1 and 22-25**. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no

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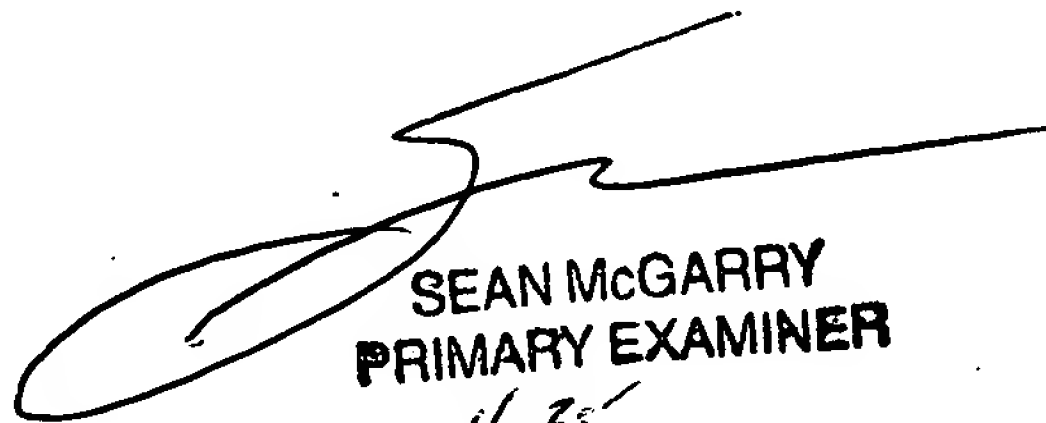
longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R McGarry whose telephone number is (703)305-7028. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader can be reached on (703) 308-0447. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

SRM

  
SEAN MCGARRY  
PRIMARY EXAMINER  
1635